

S/N 10/088,181

PCT/PTO

11 DEC 2002

PATENT #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McHUTCHINSON Examiner: Unknown
Serial No.: 10/088,181 Group Art Unit: unknown
Filed: 14 March 2002 Docket No.: 3955.117USWO
Title: TAMPER PROOF SLIDE COVER CONTAINER

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV212792761US

Date of Deposit: December 11, 2002

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents and Trademarks, Box PCT, Washington, D.C. 20231.

By:

Name John Junkers

PETITION FOR EXTENSION OF TIME

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a 4-month extension of time be granted in which to respond to the outstanding Notification Of Missing Requirements Under 35 U.S.C. §371, said period of response being extended from 12 August 2002 to 12 December 2002.

Our check in the amount of \$720.00 is enclosed to cover the required extension fee for a small entity.

12/17/2002 CHATARD 00000078 10000000

03 000000



Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 11 December 2002

By

Brian H. Batzli
Reg. No. 32,960

BHB:hjh

S/N 10/088,181

Box PCT/PTO 11 DEC 2002

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By: *John Junkers*

Name: John Junkers

COMMUNICATION REGARDING MISSING REQUIREMENTS

BOX PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In connection with the above-identified application, enclosed please find an unsigned Combined Declaration and Power of Attorney, a Petition Under 37 C.F.R. § 1.47 (b), and a Declaration signed by Charles Frederick Sharland. Also enclosed are checks in the amount of \$65.00 to cover the Missing Requirements completion fee and \$130.00 to cover the Petition Fee.

12/17/2002 SHARLAND 00000075 13006101

12 DEC 17
12 PM 1440

65.00 00
130.00 00

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 11 December 2002

By: *Brian H. Batzli*

Brian H. Batzli
Reg. No. 32,960

BHB:hjh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	McHUTCHINSON	Examiner:	Unknown
Serial No.:	10/088,181	Group Art Unit:	unknown
Filed:	14 March 2002	Docket No.:	3955.117USWO
Title:	TAMPER PROOF SLIDE COVER CONTAINER		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV212792761US

Date of Deposit: December 11, 2002

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents and Trademarks, Box PCT, Washington, D.C. 20231.

By: 

Name: John Jankers

PETITION UNDER 37 C.F.R. § 1.47 (b)

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of C.F.R. 1.47 (b), Applicant petitions to have the present application perfected in view of the declaration by Mr. Charles Frederick Sharland on behalf of the sole inventor who refuses to sign the declaration.

The following documents are enclosed:

- A. A Statutory Declaration signed by Mr. Charles Frederick Sharland (w/attachments);
- B. An Unsigned Combined Declaration and Power of Attorney; and
- C. Notification of Missing Requirements.

Facts

The Statutory Declaration signed by Mr. Sharland (the "Sharland Declaration"), indicates that he is the Director and Company Secretary of Western Research and Development Limited, the Assignee for the present application. As Director and Company Secretary of Western Research and

Serial No. 10/088,181

Development Limited, Mr. Sharland exhibits sufficient proprietary interest in justifying this action.
(See Sharland Declaration § 2 & 3)

The Sharland Declaration also sets forth evidence that the inventor (Mr. Roy Neil McHutchinson) refuses to execute the application papers at §§ 8-13. The Annexures to the Sharland Declaration further describe the evidence. In particular Annexure CFS-5 indicates that Mr. McHutchinson received the formal papers and application. Annexure CFS-6, paragraph 12 indicates (together with the Sharland Declaration at § 12) that the inventor has refused to sign.

This application will lapse without the signature of the inventor. Accordingly, this Petition Under 1.47(b) is necessary to preserve the right of the assignee.

The fee necessary for this Petition is enclosed herewith.

The last known address of the non-signing inventor, Roy Neil McHutchinson, is:

67 Douglas Avenue

South Perth

Western Australia, 6151, Australia

Conclusion

The above-itemized annexures and Statutory Declaration of Mr. Sharland demonstrate that Mr. McHutchinson was asked numerous times to sign the Combined Declaration and Power of Attorney for the present application. Mr. McHutchinson has failed to respond to these numerous attempts.

Serial No. 10/088,181

Therefore, Applicant petitions for entry of the enclosed declaration as the perfected declaration of inventorship.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney-of-record, Brian H. Batzli (Reg. No. 32,960) at 612.336.4755.

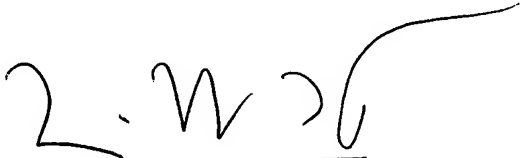
Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 11 December 2002

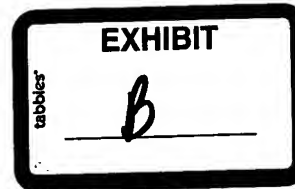
By



Brian H. Batzli
Reg. No. 32,960

BHB:hjh

COMBINED DECLARATION AND POWER OF ATTORNEY



As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: TAMPER PROOF SLIDE COVER CONTAINER

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on 14 March 2002, as application serial no. 10/088,181 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/AU01/00844 filed 13 July 2001, and as amended on (if any); which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Australia	PQ 8762	14 July 2000	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

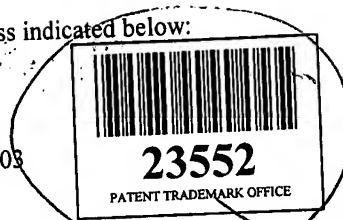
Ali, M. Jeffer	Reg. No. 46,359	Leonard, Christopher J.	Reg. No. 41,940
Altera, Allan G.	Reg. No. 40,274	Liepa, Mara E.	Reg. No. 40,066
Anderson, Gregg I.	Reg. No. 28,828	Lindquist, Timothy A.	Reg. No. 40,701
Batzli, Brian H.	Reg. No. 32,960	Lown, Jean A.	Reg. No. 48,428
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berns, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mueller, Douglas P.	Reg. No. 30,300
Brown, Jeffrey C.	Reg. No. 41,643	Nelson, Anna M.	Reg. No. 48,935
Bruess, Steven C.	Reg. No. 34,130	Parsons, Nancy J.	Reg. No. 40,364
Burnham, Jonelle	Reg. No. 41,980	Pauly, Daniel M.	Reg. No. 40,123
Byrne, Linda M.	Reg. No. 32,404	Phillips, John B.	Reg. No. 37,206
Campbell, Keith	Reg. No. 46,597	Pino, Mark J.	Reg. No. 43,858
Carlson, Alan G.	Reg. No. 25,959	Prendergast, Paul	Reg. No. 46,068
Caspers, Philip P.	Reg. No. 33,227	Pytel, Melissa J.	Reg. No. 41,512
Clifford, John A.	Reg. No. 30,247	Qualey, Terry	Reg. No. 25,148
Cook, Jeffrey	Reg. No. 48,649	Randall, Joshua N.	Reg. No. 50,719
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.	Reg. No. 36,414	Schmaltz, David G.	Reg. No. 39,828
DeVries Smith, Katherine M.	Reg. No. 42,157	Schuman, Mark D.	Reg. No. 31,197
DiPietro, Mark J.	Reg. No. 28,707	Schumann, Michael D.	Reg. No. 30,422
Doscotch, Matthew A.	Reg. No. 48,957	Scull, Timothy B.	Reg. No. 42,137
Edell, Robert T.	Reg. No. 20,187	Sebald, Gregory A.	Reg. No. 33,280
Epp Ryan, Sandra	Reg. No. 39,667	Skoog, Mark T.	Reg. No. 40,178
Fitzsimmons, Karen A.	Reg. No. P-50,470	Spellman, Steven J.	Reg. No. 45,124
Goff, Jared S.	Reg. No. 44,716	Stewart, Alan R.	Reg. No. 47,974
Goggin, Matthew J.	Reg. No. 44,125	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Golla, Charles E.	Reg. No. 26,896	Sullivan, Timothy	Reg. No. 47,981
Gorman, Alan G.	Reg. No. 38,472	Sumner, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamer, Samuel A.	Reg. No. 46,754	Tunheim, Marcia A.	Reg. No. 42,189
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Harrison, Kevin C.	Reg. No. 46,759	Vandenburgh, J. Derek	Reg. No. 32,179
Hennings, Mark	Reg. No. 48,982	Wahl, John R.	Reg. No. 33,044
Hertzberg, Brett A.	Reg. No. 42,660	Weaver, Paul L.	Reg. No. 48,640
Hillson, Randall A.	Reg. No. 31,838	Welter, Paul A.	Reg. No. 20,890
Holzer, Jr., Richard J.	Reg. No. 42,668	Whipps, Brian	Reg. No. 43,261
Hope, Leonard J.	Reg. No. 44,774	Whitaker, John E.	Reg. No. 42,222
Jardine, John S.	Reg. No. 48,835	Wier, David D.	Reg. No. 48,229
Johns, Nicholas P.	Reg. No. 48,995	Williams, Douglas J.	Reg. No. 27,054
Johnston, Scott W.	Reg. No. 39,721	Withers, James D.	Reg. No. 40,376
Kadievitch, Natalie D.	Reg. No. 34,196	Wong, Bryan A.	Reg. No. 50,836
Kalinsky, Robert A.	Reg. No. 50,471	Wong, Thomas S.	Reg. No. 48,577
Kettelberger, Denise	Reg. No. 33,924	Young, Thomas	Reg. No. 25,796
Keys, Jeramie J.	Reg. No. 42,724	Zeuli, Anthony R.	Reg. No. 45,255
Knearl, Homer L.	Reg. No. 21,197		
Kowalchyk, Alan W.	Reg. No. 31,535		
Kowalchyk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. P-50,760		
Lacy, Paul E.	Reg. No. 38,946		
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name McHUTCHINSON	First Given Name Roy	Second Given Name Neil
0	Residence & Citizenship	City South Perth	State or Foreign Country Western Australia	Country of Citizenship Australia
1	Mailing Address	Address 67 Douglas Avenue	City South Perth	State & Zip Code/Country Western Australia, 6151, Australia
Signature of Inventor 201:				Date:

UNITED STATES OF AMERICA



IN THE MATTER of Patent Application Serial Number
10/088,181 in U.S.A. in the name of Western
Research and Development Limited

-and-

IN THE MATTER of Declaration, Power and
Assignment from Inventor

STATUTORY DECLARATION OF CHARLES FREDERICK SHARLAND DECLARED
THE SIXTH DAY OF DECEMBER 2002, TOGETHER WITH ANNEXURES CFS-1 -
CFS-7 INCLUSIVE THERETO.

INDEX TO STATUTORY DECLARATION

	<u>Pages</u>
1. Statutory Declaration of Charles Frederick Sharland declared the sixth day of December 2002	1 - 5

ANNEXURES TO STATUTORY DECLARATION

1. Annexure CFS-1: Copy of ASIC record for the Company
2. Annexure CFS -2: Copy of bibliographic details of application PQ8762.
3. Annexure CFS -3: Copy of request lodged for application PCT/AU01/00844
4. Annexure CFS -4: Copy of application for US 10/088,181
5. Annexure CFS -5: Copy of letter to Messrs Kitto & Kitto dated 3 May. 2002
6. Annexure CFS -6: Copy of minutes of Board meeting of 2 September 2002.
7. Annexure CFS -7: Copy of letter from Wray & Associate of 22 April 2002.

- 1 -

Prepared by:

Wray & Associates
Patent & Trade Mark Attorneys
Level 4, The Quadrant
1 William Street
PERTH WA 6000

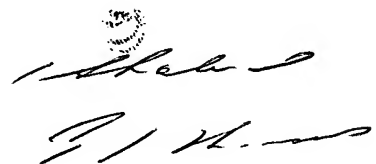
Tel: (08) 9216 5100
Fax: (08) 9216 5199
Ref: ***
Email: wray@wray.com.au
Contact: ***

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STATUTORY DECLARATION

I, Charles Frederick Sharland of 59 Bradford Street, Menora, Western Australia 6060, Australia do solemnly and sincerely declare as follows:-

1. I depose to the following facts and circumstances as being within my own knowledge and belief unless otherwise stated herein.
2. I am a Director and Company Secretary of Western Research and Development Limited, an Australian public company (ACN 063 922 001) of Unit 4, 50 Achievement Way, Wangara, Western Australia, Australia (hereinafter referred to as "the Company"), previously known as Western Research and Development Pty Ltd. I am authorized to make this statement on behalf of the Company.
3. In May, 2000, the Company entered an agreement with Roy Neil McHutchison (hereinafter referred to as the Inventor) through the Inventor's family company C M McHutchison Pty Ltd (ACN 082 655 196) to provide services to the Company to assist the Company to develop novel tamper-proof packaging devices suitable for the packaging of products such as pharmaceutical products distributed as tablets or capsules. In this agreement it was agreed that ownership of all rights in the invention and the rights to apply for patents would reside with the Company. As part of the consideration for this agreement, the Inventor was issued with shares in the Company.
4. Subsequent to the development of a suitable container, the Company arranged for a provisional patent application to be lodged at the Australian Patent Office on 14 July 2000 for an invention in respect of a "Tamper Proof Slide Cover Container". This application was subsequently accorded the application number PQ8762. Annexed hereto and marked "CFS-1" is a copy of the bibliographic details of Australian provisional patent application PQ8762 as are publicly available over the internet from the database of the Australian Patent Office and which identify Roy Neil McHutchison as the inventor.
5. The Company arranged for an International patent application to be lodged pursuant to the Patent Co-operation Treaty on 13 July 2001 at the Receiving Office in Australia for the invention and claiming priority from Australian provisional application PQ8762. In this application, Roy Neil McHutchison, was identified as the inventor of the invention for which the international patent application was lodged. The international patent application identified the Company as the applicant for all countries except the United States of America



and the Inventor as the applicant for the United States of America, as is required in accordance with the practice for the United States of America. This application was subsequently accorded the international patent application number PCT/AU01/00844 and the publication number WO 02/06135. Annexed hereto and marked "CFS-2" is a copy of the Request which was lodged at the Australian Receiving Office on 13 July 2001. Annexed hereto and marked "CFS-3" is a copy of the face sheet of international patent application PCT/AU01/00844 as published with publication number WO 02/06135 by the World Intellectual Property Organization also identifying

6. One of the responsibilities of the Inventor in respect of his agreement with the Company was that he should undertake all the tasks necessary to arrange patent applications to be lodged on behalf of the Company. Pursuant to this responsibility, the Inventor personally instructed Patent Attorneys in Perth, Western Australia to lodge the provisional application PQ8762 and international application PCT/AU01/0844 and received correspondence from the Patent Attorneys relating to the filing of those applications. The Inventor was therefore fully aware of the contents of the applications.
7. On 9 October 2001, the Inventor was appointed as a Director of the Company. Annexed hereto and marked "CFS-4" is a copy of an extract of the Company details obtained from the records of the Australian Securities and Investments Commission records identifying the appointment of Mr McHutchison as a director of the Company.
8. Subsequent to the filing of the international application, a dispute has arisen between the Inventor and his family company of the one part and the Company and other companies related to the Company of the other part in relation to work that has not been completed.
9. Pursuant to the terms of the Patent Co-operation Treaty, a national phase patent application of international patent application PCT/AU01/00844 patent application was lodged in the United States of America on 14 March 2002 by Messrs Merchant & Gould on behalf of the Company. The application identified the Inventor as the applicant as is the requirement in U.S.A. and was subsequently accorded the serial number 10/088,181 (hereinafter referred to as "the Application").
10. Upon the receipt of documents entitled "Combined Declaration and Power of Attorney" and "Assignment of U.S. Rights to Corporation" (hereinafter referred to as "the Documents") from Messrs Merchant & Gould, the Documents, together with a copy of International patent application PCT/AU01/00844 including the specification as published by the World Intellectual Property Organization under publication number WO02/06135 (the face-sheet of

which is attached as Annexure CFS-3 referred to above) which contains the description, claims and drawings, and the US national phase application lodged from this international application were forwarded by me to Messrs Kitto & Kitto, solicitors for the Inventor, for execution by the Inventor. In addition I forwarded a copy of a letter from Messrs Wray & Associates who are our patent attorneys in Australia, which identified the Documents and the requirement for the Documents to be executed by the inventor. Annexed hereto and marked "CFS-5" is a copy of the letter to Messrs Kitto & Kitto dated 3 May 2002. Annexed hereto and marked CFS-7 is a copy of the letter dated 22 April 2002 which is referred to in the letter of Annexure CFS-5 as the "covering letter".

11. A conciliation meeting was held at the offices of the Company on 1 May 2002. In attendance were, for the Company:

Mr D Sims Director;
Dr M Ng Director,
Myself Director/Company Secretary,
Mr J Picton-Warlow Barrister and Solicitor;

And for the Inventor:

The Inventor,
Mr Kitto Solicitor,
Mr Primorano. Solicitor.

During the meeting, Mr Kitto advised that Mr McHutchison would not be co-operating with the Company until all matters had been finalized and in particular he advised that Mr McHutchison would not execute the Documents. This meeting was without prejudice and no minutes were kept.

12. Upon receipt of reminders from Messrs Wray & Associates, Patent Attorneys for the Company, that the deadline to lodge the Documents was imminent, I spoke to the Inventor by telephone in early July 2002 and on several occasions, since. During the course of these conversation the Inventor acknowledged that he had received the Documents but re-iterated that he would not sign them until the dispute was finalized.

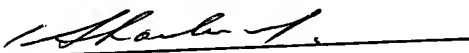
13. At a Board meeting of the Company held on 2 September 2002 at which I was present and appointed as acting Chairman, the matter was again raised with a similar refusal to execute the documents unless the dispute was resolved. Annexed hereto and marked CFS-6 are the minutes of the Board meeting of the Company held on 2 September 2002. Particular attention is directed to the paragraph marked with the numeral "12".

14. While the Inventor has a dispute with the Company in relation to matters concerning payments to him or his family company, at no time has he alleged that the Company is not the rightful owner of the invention or not entitled to apply for and be granted patents for the invention in any country.

As a result of the Inventor's refusal to execute the Documents, the Company is unable to lodge the executed Documents in support of the Application within the time period allowed.

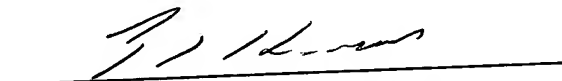
I make this solemn declaration by virtue of the Statutory Declarations Act 1959 (Australia), and subject to the penalties provided by that Act for making a false declaration in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED at Perth in the State of Western Australia
this Sixth day of December 2002.



Charles Frederick Sharland

Before me:



~~Commissioner for Declarations/Solicitor~~
~~Patent Attorney/Justice of the Peace~~

PAEN02BB V3.85

PATENT ADMINISTRATION SYSTEM

04/11/02 14:08:37 Page 1

Provisonal Number : PQ8762

Relevant Act	Patents Act 1990
Date Provisional Keyed	18/07/00
Provisional Filing Date	14/07/00
Country of origin	Australia: Western Australia
Lodgement fee	80
Lapsed Flag	Y
Withdrawn Flag	

Applicant Name
Western Research & Development Pty Ltd
Address : Unit 4
59 Achievement Way
Wangara
WA 6065 Australia

Invention Title
Tamper proof slide cover container

Attorney Address
WATERMARK PATENT & TRADEMARK ATTORNEYS
Level 21 Allendale Square
77 St Georges Terrace
PERTH W.A. 6000

***** End of Provisional Application *****

Provisional Number : PQ8762
Application Id : 72198 / 01

Serial Number :

Relevant Act	Patents Act 1990	
Date Application Keyed	20/09/01	
Status : Complete Application Filed		
Application Type	Convention application	
Filing Date		Complete Filing Date 13/07/01
Country of origin	Australia: Western Australia	
Number of pages	40	
Number of CDROMS		
CDROM Presence		
Filing fee	280	
Earliest Priority Date	14/07/00	Australian OPI Date 30/01/02

Applicant Name
Western Research & Development Limited
Address : Unit 4 50 Achievement Way
Wangara
WA 6065
Australia

Inventor Name
Roy Neil McHutchison

Invention Title
Tamper proof slide cover container

Full Title
Tamper proof slide cover container

ATTORNEY ADDRESS
WRAY & ASSOCIATES
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The Quadrant
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PERTH WA 6000

EXAMINATION DETAILS
Direction Date
Request Type
Request Fee Paid
Deferment Date
Examiner
Date Sent to Exam
Search Results Requested
Abstract Requested
Re-exam request date
International (Type) Search Results

Request Lodgement date

First Report Date
Examination Section B4
Further Report Date
Search Results Received
Abstract Received

Provisional Number : PQ8762
Application Id : 72198 / 01

Serial Number :

ACCEPTANCE DETAILS

Date Accepted
Date FE Printed
Acceptance Type
Applicant Ref
Amend to Spec
Amend to Apln
Amend to Drwg
Final date for Acceptance

Acceptance Advert Date

Opposition Date
Opposition Result

Date Sealed
Accept Not Sealed Advert
Lapsed Advertised Date
Lapsed Type
Withdrawn Advertised Date
Withdrawn Type
Refused Advertised Date

Sealed Advertised Date

Ceased/Expired Advert

FEE HISTORY

Paid Date	Paid to Date	Fee Paid	Payor Code	Reference
	13/07/06			

PRIORITY DETAILS

Date	Application Number	Country
14/07/00	PQ8762	AUSTRALIA

PCT DETAILS

PCT Number	PCT/AU01/00844	PCT Adv. Withdrawn Date	
WIPO Number	WO02/06135		
PCT Filing Date	13/07/01		
Election Flag		Designation Advert.	11/10/01
National Phase Date	15/04/02		

IPC Mark	Primary ?
B65D 083 / 04	Y
B65D 055 / 02	
B65D 043 / 12	

***** End of PCT Application *****

***** End of Listing *****

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of Receiving Office and "PCT International Application"

Applicant's or agent's file reference P17902PCAU
(if desired) (12 characters maximum)

Box No. I TITLE OF INVENTION	
Tamper Proof Slide Cover Container	
Box No. II APPLICANT <input type="checkbox"/> This person is also inventor.	
Name and address: <small>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below).</small>	
Western Research & Development Pty Ltd., Unit 4, 50 Achievement Way, Wangara. W.A. 6065. Australia.	
Telephone No.	
Facsimile No.	
Teleprinter No.	
Applicant's registration No. with the Office	
State (that is, country) of nationality: Australia	State (that is, country) of residence: Australia
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
Name and address: <small>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below).</small>	
McHUTCHISON, Roy Neil, 76 Douglas Avenue, South Perth. W.A. 6151. Australia	
This person is: <input type="checkbox"/> applicant only <input checked="" type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below).	
Applicant's registration No. with the Office	
State (that is, country) of nationality: Australia	State (that is, country) of residence: Australia
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet	
Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative	
Name and address: <small>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country).</small>	
WATERMARK PATENT & TRADEMARK ATTORNEYS Level 21, Allendale Square, 77 St Georges Terrace, Perth WA 6000 Australia	
Telephone No. (08) 9325 1900	
Facsimile No. (08) 9325 4463	
Teleprinter No.	
Agent's Registration No. with the Office	
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

Box No. V DESIGNATION OF STATES

Mark the applicable check-boxes; at least one must be marked.

The following designations are hereby made under Rule 4.9(a):

Regional Patent

- ☒ AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, MZ Mozambique, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZW Zimbabwe, and any other State which is a contracting State of the Harare Protocol and of the PCT
- ☒ EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ EP European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, TR Turkey, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | | |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> AE United Arab Emirates | <input checked="" type="checkbox"/> GE Georgia | <input checked="" type="checkbox"/> MW Malawi |
| <input checked="" type="checkbox"/> AG Antigua and Barbuda | <input checked="" type="checkbox"/> GH Ghana | <input checked="" type="checkbox"/> MX Mexico |
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> MZ Mozambique |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> HR Croatia | <input checked="" type="checkbox"/> NO Norway |
| <input checked="" type="checkbox"/> AT Austria | <input checked="" type="checkbox"/> HU Hungary | <input checked="" type="checkbox"/> NZ New Zealand |
| <input checked="" type="checkbox"/> AU Australia | <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> PL Poland |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> PT Portugal |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> IN India | <input checked="" type="checkbox"/> RO Romania |
| | <input checked="" type="checkbox"/> IS Iceland | <input checked="" type="checkbox"/> RU Russian Federation |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> BG Bulgaria | <input checked="" type="checkbox"/> KE Kenya | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> BR Brazil | <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> BY Belarus | <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> SI Slovenia |
| <input checked="" type="checkbox"/> BZ Belize | <input checked="" type="checkbox"/> KR Republic of Korea | <input checked="" type="checkbox"/> SK Slovakia |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> KZ Kazakstan | <input checked="" type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> CH & LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> LC Saint Lucia | <input checked="" type="checkbox"/> TJ Tajikistan |
| <input checked="" type="checkbox"/> CN China | <input checked="" type="checkbox"/> LK Sri Lanka | <input checked="" type="checkbox"/> TM Turkmenistan |
| <input checked="" type="checkbox"/> CO Columbia | <input checked="" type="checkbox"/> LR Liberia | <input checked="" type="checkbox"/> TR Turkey |
| <input checked="" type="checkbox"/> CR Costa Rica | <input checked="" type="checkbox"/> LS Lesotho | <input checked="" type="checkbox"/> TT Trinidad and Tobago |
| <input checked="" type="checkbox"/> CU Cuba | <input checked="" type="checkbox"/> LT Lithuania | <input checked="" type="checkbox"/> TZ United Republic of Tanzania |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> LU Luxembourg | <input checked="" type="checkbox"/> UA Ukraine |
| <input checked="" type="checkbox"/> DE Germany | <input checked="" type="checkbox"/> LV Latvia | <input checked="" type="checkbox"/> UG Uganda |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> MA Morocco | <input checked="" type="checkbox"/> US United States of America |
| <input checked="" type="checkbox"/> DM Dominica | <input checked="" type="checkbox"/> MD Republic of Moldova | <input checked="" type="checkbox"/> UZ Uzbekistan |
| <input checked="" type="checkbox"/> DZ Algeria | <input checked="" type="checkbox"/> MG Madagascar | <input checked="" type="checkbox"/> VN Viet Nam |
| <input checked="" type="checkbox"/> EC Ecuador | <input checked="" type="checkbox"/> MK The Former Yugoslav Republic of Macedonia | <input checked="" type="checkbox"/> YU Yugoslavia |
| <input checked="" type="checkbox"/> EE Estonia | <input checked="" type="checkbox"/> MN Mongolia | <input checked="" type="checkbox"/> ZA South Africa |
| <input checked="" type="checkbox"/> ES Spain | | <input checked="" type="checkbox"/> ZW Zimbabwe |
| <input checked="" type="checkbox"/> FI Finland | | |
| <input checked="" type="checkbox"/> GB United Kingdom | | |
| <input checked="" type="checkbox"/> GD Grenada | | |

Check-box below reserved for designating States which have become party to the PCT after issuance of this sheet:

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except the designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation (including fees) must reach the receiving Office within the 15-month time limit.)

See notes to the request form

Box No. VI PRIORITY CLAIM

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is :		
		national application: country	regional application: * regional Office	international application: receiving Office
item (1) (14.07.2000) 14th July, 2000	PQ8762	AU		AU
item (2)				
item (3)				
item (4)				
item (5)				

☐ Further priority claims are indicated in the Supplemental Box.

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office) identified above as item:

☐ all items
 ☒ item (1)
 ☐ item (2)
 ☐ item (3)
 ☐ item (4)
 ☐ item (5)
 ☐ other, see Supplemental Box

* Where the earlier application is an ARIPO application, indicate at least one country party to the Paris Convention for the Protection of Industrial Property or one Member of the World Trade Organization for which that earlier application was filed (Rule 4.10(b)(ii)):

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen, the two-letter code may be used):

ISA /

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

Date (date/month/year)

Number

Country (or regional Office)

Box No. VIII DECLARATIONS

The following declarations are contained in Boxes Nos. VIII (i) to (v) (mark the applicable check-boxes below and indicate in the right column the number of each type of declaration):

Number of
declarations

- | | | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---|
| <input type="checkbox"/> Box No. VIII(i) | Declaration as to identity of the inventor | : |
| <input type="checkbox"/> Box No. VIII(ii) | Declarations as to the applicant's entitlement, as at the International filing date, to apply for and be granted a patent | : |
| <input type="checkbox"/> Box No. VIII(iii) | Declarations as to the applicant's entitlement, as at the International filing date, to claim the priority of the earlier application | : |
| <input type="checkbox"/> Box No. VIII(iv) | Declaration of inventorship (only for the purposes of the designation of the United States of America) | : |
| <input type="checkbox"/> Box No. VIII(v) | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty | : |

See notes to the request form

Box No. IX CHECK LIST; LANGUAGE OF FILING

This international application contains:

- (a) the following number of sheets in paper form:
- | | |
|---------------------------------------------|------|
| request (including declaration sheets) | : 4 |
| description excluding sequence listing part | : 14 |
| claims | : 4 |
| abstract | : 1 |
| drawings | : 22 |

Sub-total number of sheets : 45

sequence listing part of description (actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (b) below)

Total number of sheets : 45

- (b) sequence listing part of description filed in computer readable form

(i) ☐ only (under Section 801(a)(i))

(ii) ☐ in addition to being filed in paper form (under Section 801(a)(ii))

Type and number of carriers (diskette, CD-ROM, CD-R or other) on which the sequence listing part is contained (additional copies to be indicated under item 9(ii), in right column):

This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):

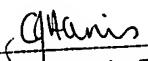
- | | | |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1. <input checked="" type="checkbox"/> | fee calculation sheet | : |
| 2. <input type="checkbox"/> | original separate power of attorney | : |
| 3. <input type="checkbox"/> | original general power of attorney | : |
| 4. <input type="checkbox"/> | copy of general power of attorney; reference number, if any: | : |
| 5. <input type="checkbox"/> | statement explaining lack of signature | : |
| 6. <input type="checkbox"/> | priority document(s) identified in Box No. VI as item(s): | : |
| 7. <input type="checkbox"/> | translation of international application into (language): | : |
| 8. <input type="checkbox"/> | separate indications concerning deposited microorganism or other biological material | : |
| 9. <input type="checkbox"/> | sequence listing in computer readable form (indicate also type and number of carriers (diskette, CD-ROM, CD-R or other)) | : |
| (i) <input type="checkbox"/> | copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application) | : |
| (ii) <input type="checkbox"/> | (only where check-box (b)(i) or (b)(ii) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter | : |
| (iii) <input type="checkbox"/> | together with relevant statement as to the identity of the copy or copies with the sequence listing part mentioned in left column | : |
| 10. <input type="checkbox"/> | other (specify): | : |

Figure of the drawings which should accompany the abstract:

Language of filing of the international application:

ENGLISH**Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).


 Carolyn J Harris, Registered Patent Attorney
 for and on behalf of WATERMARK PATENT & TRADEMARK ATTORNEYS

For receiving Office use only

1. Date of actual receipt of the purported international application:

3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:

4. Date of timely receipt of the required corrections under PCT Article 11(2):

5. International Searching Authority (if two or more are competent):

ISA /

6. ☐ Transmittal of search copy delayed until search fee is paid

2. Drawings:

☐ received:

☐ not received:

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

Box No. IX CHECK LIST; LANGUAGE OF FILING

This international application contains:	This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	Number of items
(a) the following number of sheets in paper form:		
request (including declaration sheets) :	1. <input type="checkbox"/> fee calculation sheet	:
description excluding sequence listing part) :	2. <input type="checkbox"/> original separate power of attorney	:
claims :	3. <input type="checkbox"/> original general power of attorney	:
abstract :	4. <input type="checkbox"/> copy of general power of attorney; reference number, if any:	:
drawings :	5. <input type="checkbox"/> statement explaining lack of signature	:
Sub-total number of sheets :	6. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s):	:
sequence listing part of description (actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (b) below) :	7. <input type="checkbox"/> translation of international application into (language):	:
Total number of sheets :	8. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material	:
	9. <input type="checkbox"/> sequence listing in computer readable form (indicate also type and number of carriers (diskette, CD-ROM, CD-R or other))	:
(b) sequence listing part of description filed in computer readable form	(i) <input type="checkbox"/> copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application)	:
(i) <input type="checkbox"/> only (under Section 801(a)(i))	(ii) <input type="checkbox"/> (only where check-box (b)(i) or (b)(ii) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter	:
(ii) <input type="checkbox"/> in addition to being filed in paper form (under Section 801(a)(ii))	(iii) <input type="checkbox"/> together with relevant statement as to the identity of the copy or copies with the sequence listing part mentioned in left column	:
Type and number of carriers (diskette, CD-ROM, CD-R or other) on which the sequence listing part is contained (additional copies to be indicated under item 9(ii), in right column):	10. <input type="checkbox"/> other (specify):	:
Figure of the drawings which should accompany the abstract:	Language of filing of the international application: ENGLISH	

Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

Western Research & Development Pty Ltd.

McHutchison, Roy Neil

For receiving Office use only		For International Bureau use only	
1. Date of actual receipt of the purported international application:		2. Drawings:	
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		<input type="checkbox"/> received:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):		<input type="checkbox"/> not received:	
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid		

Date of receipt of the record copy by the International Bureau:

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau(43) International Publication Date
24 January 2002 (24.01.2002)

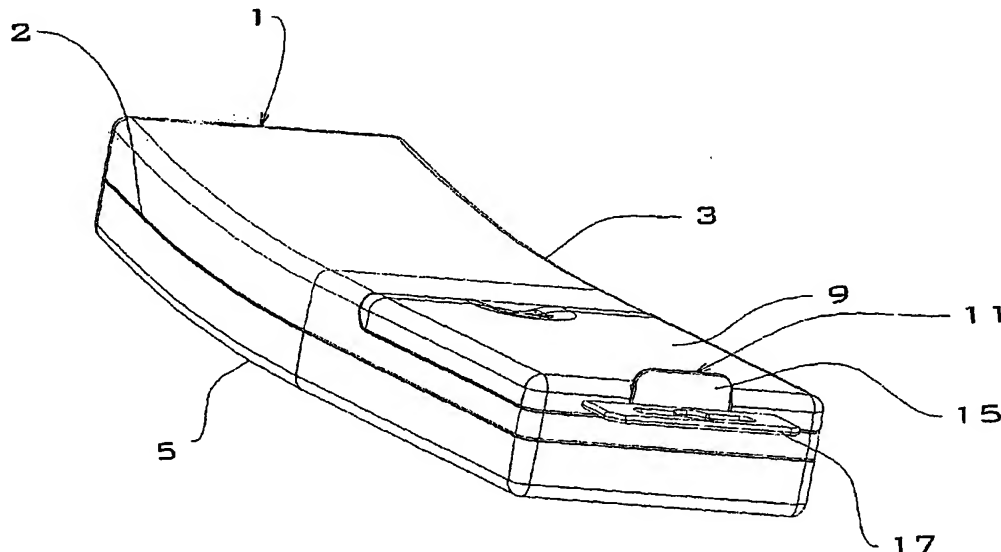
PCT

(10) International Publication Number
WO 02/06135 A1

- (51) International Patent Classification⁷: **B65D 83/04**, 55/02, 43/12 // 101:00
- (74) Agent: **WATERMARK PATENT & TRADEMARK ATTORNEYS**; Level 21, Allendale Square, 77 St Georges Terrace, Perth, W.A. 6000 (AU).
- (21) International Application Number: PCT/AU01/00844
- (22) International Filing Date: 13 July 2001 (13.07.2001)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
PQ 8762 14 July 2000 (14.07.2000) AU
- (71) Applicant (for all designated States except US): **WESTERN RESEARCH & DEVELOPMENT LIMITED** [AU/AU]; Unit 4, 50 Achievement Way, Wangara, W.A. 6065 (AU).
- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): **McHUTCHISON, Roy, Neil** [AU/AU]; 76 Douglas Avenue, South Perth, W.A. 6151 (AU).
- Published:
— with international search report

[Continued on next page]

(54) Title: TAMPER PROOF SLIDE COVER CONTAINER



(57) Abstract: A tamper proof container comprising: a container body (1) within which product can be accommodated, the container body having an access opening (7); a cover (9) separable from the container body for closing the access opening and including engagement means (37, 43) for engaging the container body when over the access opening; and tamper prevention means (11) for preventing removal of the cover when located over the access opening, the tamper prevention means including at least one locking element (15); wherein the locking element(s) is adapted to allow an initial engagement of the cover to the container body over the access opening while preventing subsequent removal therefrom; and wherein the locking element(s) is separable from the container, the separation of the locking element(s) allowing the removal of the cover from the container body, the removal of the locking element(s) further providing a visual indication that the container has been opened.



WO 02/06135 A1

ASIC Company Extract**ASIC Current Extract Date: 30 Oct 2002 Time: 14:56:21**

Section 1274B

This extract has been prepared by the Australian Securities
& Investments Commission from information it obtained,
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The Information Division of the Australian Securities & Investments Commission
is certified under the Australian Quality Standard AS 3901
(International Standard ISO 9001).

063 922 001 WESTERN RESEARCH AND DEVELOPMENT LIMITED
No

Document

ACN (Australian Company Number): 063 922 001
Incorporated in: Western Australia
Previous State Number:
Registration Date: 14/03/1994
Company bound by: ACN (Australian Company Number)
Australian Business Number: 78 063 922 001

Current Organisation Details

Name : WESTERN RESEARCH AND DEVELOPMENT LIMITED
Name Start: 18/11/2000
Status : REGISTERED
Type : AUSTRALIAN PUBLIC COMPANY
Class : LIMITED BY SHARES
Subclass : UNLISTED PUBLIC COMPANY

016588909**Registered Office**

UNIT 4 50 ACHIEVEMENT WAY WANGARA WA 6065
Start Date: 10/02/1997

012401701**Principal Place of Business**

UNIT 4 50 ACHIEVEMENT WAY WANGARA WA 6065
Start Date: 09/04/1999

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(AR 1998)

Directors

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005413045

18 MAYBACH WAY DIANELLA WA 6059
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Appointment Date: 14/03/1994

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Born: 20/07/1944 - PERTH WA
Appointment Date: 12/06/2000

016298215

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Born: 13/01/1943 - SUBIACO WA
Appointment Date: 05/11/1999

016910390

DATUK NOR ALAH ANIN
17 JALAH KERANJI 2 OFF JALAN KEDONDONG
APANG HILJR 55000 KUALA LUMPUR MALAYSIA
Born: 20/12/1953 - KUALA PILAH MALAYSIA
Appointment Date: 09/10/2001

017475344

ROY NEIL MCHUTCHISON
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Born: 26/01/1969 - GEELONG VIC
Appointment Date: 09/10/2001

017475344

Secretary

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Born: 20/07/1944 - PERTH WA
Appointment Date: 14/03/1994

005413045

Ultimate Holding Company

059 479 391 EASTLAND TECHNOLOGY AUSTRALIA LTD
UNIT 4 50 ACHIEVEMENT WAY WANGARA WA 6065

063922001
(AR 1998)

ABN (Australian Business Number) 98 059 479 391

Share Structure

Class:	ORD	<u>06392200K</u> (AR 2000)
ORDINARY SHARES		
Number of Shares Issued	:	1000
Total Amount (if any) Paid / Taken to be Paid:		1000.00
Total Amount Due and Payable	:	0.00
Number of Unissued Shares Subject to Options :		0

Members

Class	: ORD	No. Held:	600	<u>06392200K</u> (AR 2000)
Beneficially Held:	YES	Paid	: FULLY	
059 479 391 EASTLAND TECHNOLOGY AUSTRALIA LTD				
UNIT 105 398 SCARBOROUGH BEACH ROAD OSBORNE PARK WA 6017				
ABN (Australian Business Number) 98 059 479 391				

Class	: ORD	No. Held:	100	<u>06392200K</u> (AR 2000)
Beneficially Held:	YES	Paid	: FULLY	
082 655 196 C M MCHUTCHISON PTY LTD				
76 DOUGLAS AVENUE SOUTH PERTH WA 6151				

Class	: ORD	No. Held:	100	<u>06392200K</u> (AR 2000)
Beneficially Held:	YES	Paid	: FULLY	
MARTIN MANN LOKE NG				
18 MAYBACH WAY DIANELLA WA 6059				

Class	: ORD	No. Held:	100	<u>06392200K</u> (AR 2000)
Beneficially Held:	YES	Paid	: FULLY	
CHARLES FREDERICK SHARLAND				
59 BRADFORD STREET MENORA WA 6050				

Class	: ORD	No. Held:	100	<u>06392200K</u> (AR 2000)
Beneficially Held:	YES	Paid	: FULLY	
DOUGLAS ARTHUR SIMS				
4 ALNESS STREET APPLECROSS WA 6153				

Note: Information on this extract such as Share Structure, Members, Principal Place of Business and Ultimate Holding Company is obtained from the Company Annual return. Care should be taken when using this information as it may have changed since the most recent Annual Return was processed by the ASIC. Care should also be taken when using the Member information, as only the top twenty members are listed on the extract. If no member details are shown it may be that the company has only recently been incorporated and has not yet lodged its first Annual Return.

Documents Received

Date Received	Form Type	Date Processed	No. Pages	Effective Date
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30/01/2002 316 05/02/2002 4 25/01/2002 06392200L
 316G ANNUAL RETURN - UNLISTED PUBLIC COMPANY (AR 2001)

17/10/2001 304 23/10/2001 2 09/10/2001 017475344
 304A NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN
 COMPANY

20/02/2001 304 27/02/2001 2 18/01/2001 016910390
 304C NOTIFICATION OF CHANGE OF NAME OR ADDRESS OF OFFICEHOLDER

30/01/2001 316 16/03/2001 3 30/01/2001 06392200K
 316G ANNUAL RETURN - UNLISTED PUBLIC COMPANY (AR 2000)

04/09/2000 205 16/10/2000 1 23/08/2000 016588909
 205C NOTIFICATION OF RESOLUTION CONVERTING TO A PUBLIC COMPANY

04/09/2000 206 07/09/2000 1 04/09/2000 016588907
 206C APPLICATION FOR CHANGE OF COMPANY STATUS CONVERSION OF
 COMPANY FROM PTY TO PUBLIC

04/09/2000 218 16/10/2000 40 04/09/2000 016498852
 218 CONSTITUTION OF COMPANY

19/06/2000 304 19/06/2000 2 12/06/2000 016298215
 304A NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN
 COMPANY

19/06/2000 207 19/06/2000 1 12/06/2000 016298213
 207 NOTIFICATION OF SHARE ISSUE

27/04/2000 205 05/05/2000 1 15/04/2000 016324818
 205A NOTIFICATION OF RESOLUTION CHANGING COMPANY NAME

03/03/2000 316 05/04/2000 3 01/03/2000 06392200J
 316L ANNUAL RETURN - PROPRIETARY COMPANY (AR 1999)

11/11/1999 304 16/11/1999 2 05/11/1999 015453365
 304A NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN
 COMPANY

29/01/1999 316 09/04/1999 3 18/01/1999 06392200I
 316L ANNUAL RETURN - PROPRIETARY COMPANY (AR 1998)

27/01/1998 316 09/02/1998 4 20/01/1998 06392200H
 316L ANNUAL RETURN - PROPRIETARY COMPANY (AR 1997)

03/02/1997 203 11/02/1997 1 11/01/1997 012401701
 203A NOTIFICATION OF CHANGE OF ADDRESS

03/02/1997 316 11/02/1997 4 03/02/1997 06392200G
 316L ANNUAL RETURN - PROPRIETARY COMPANY (AR 1996)

01/02/1996	203	UNPROCESSED	0	01/02/1996	<u>010712691</u>
203A NOTIFICATION OF CHANGE OF ADDRESS					
30/01/1996	316	09/02/1996	4	29/01/1996	<u>06392200F</u>
				(AR 1995)	
316 ANNUAL RETURN					
316A CHANGE OF REGISTERED OFFICE ADDRESS					
316L ANNUAL RETURN - PROPRIETARY COMPANY					
28/02/1995	316	07/04/1995	4	31/12/1994	<u>06392200Z</u>
				(AR 1994)	
316L ANNUAL RETURN					
25/03/1994	215	28/03/1994	1	14/03/1994	<u>005413045</u>
215 NOTIFICATION OF INITIAL APPOINTMENT OF OFFICEHOLDERS					
14/03/1994	204	14/03/1994	1	14/03/1994	<u>005417565</u>
204 CERTIFICATE OF REGISTRATION DIVISION 1 PT 2.2					
14/03/1994	201	14/03/1994	2	14/03/1994	<u>005417515</u>
201C APPLICATION FOR REGISTRATION AS A PROPRIETARY COMPANY					
14/03/1994	410	14/03/1994	1	14/03/1994	<u>005417514</u>
410A APPLICATION FOR RESERVATION OF A NAME OF A NEW AUSTRALIAN COMPANY					

Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No. Pages, the document has been processed but a copy is not yet available.

Annual Returns

Year	Return	Extended AGM	Extended AGM Held	O/Stand
Due Date	Due Date	Due Date	AGM Date	Date

1994	Unknown		31/12/1994	N
1995	31/01/1996			N
1996	31/01/1997			N
1997	31/01/1998			N
1998	31/01/1999			N
1999	31/01/2000			N
2000	31/01/2001			N
2001	31/01/2002			N
2002	31/01/2003			Y

Note: Where the expression "Unknown" is shown, the precise date may be available from records taken over on 1 January 1991 and held by the ASIC in paper or microfiche.

*** End of Extract ***

WESTERN RESEARCH AND DEVELOPMENT LTD
A.C.N. 063 922 001 ABN: 78 063 922 001
UNIT 4, 50 ACHIEVEMENT WAY
WANGARA W.A. 6065
Phone: (618) 9302 2688
Fax: (618) 9302 2689
Email: wrd@iinet.net.au

3.5.2002

Messrs Kitto & Kitto
Howard chambers
19 Howard Street
Perth WA 6000

Dear Sirs

Re Mr R N McLutchison

Please find enclosed the following documents in relation to Patents of which Mr McLutchison is named as the inventor together with covering letters from our patent Attorneys:

1. International Patent Application PCT/AU01/00844
2. US Application from International Patent Application PCT/AU01/00844
3. Medical Transport Container
- 4.

It would be appreciated if you could arrange for your client to execute the documents and return them to this Office as soon as possible

Yours faithfully


C F Sharland
Company Secretary

Western Research and Development Limited

Minutes of a meeting of directors held at the company's office on Monday 2 September 2002 at 10.30 am.

Present

Mr J Picton-Warlow (Proxy for Mr Sims)
 Mr R McHutchison
 Dr M Ng
 Mr. C Sharland (Secretary) (Acting Chairman)

Apology

Mr Sims forwarded an apology and a proxy in favour of Mr J Picton-Warlow appointing him his proxy and alternate for the meeting.

Chairman

Mr Sharland was appointed Chairman for the meeting.

Proxy

Mr Picton-Warlow tabled his proxy from Mr Sims advising that Mr Sims was unable to attend and that he had been appointed his alternate and proxy for the meeting. With that in mind he was attending the meeting in that capacity and not as the Company Solicitor. There were no objections to his attendance.

Agenda

The agenda having been circulated was tabled, Mr Sharland requested that the order of the agenda be changed to provide for discussion on the accounts to be the first item. This was agreed.

Accounts

Mr McHutchison requested time to examine the accounts as he had only looked at them the preceding day. It was agreed that he would examine them tonight and advise whether he had any queries by the close of business tomorrow. He advised that he would not contact the office unless he has a query.

Mr Sharland advised that if there were no queries he would prepare the statutory minutes for the AGM and circulate the Accounts and Notice of the AGM on Wednesday 4.9.2002. (Since the meeting Mr McHutchison attended the Office with his Accountant, Mr J Holt, and reviewed the accounts and agreed to contact Mr Sharland if they had any queries. They have not raised any queries.)

Dispute with Mr McHutchison and his Company CM McHutchison Pty Ltd.

1. Mr Sharland advised that the agenda spelt out the basis on which the Company would settle the dispute, namely a return of all data held by McHutchison and his company and invited Mr McHutchison to respond.
2. Mr McHutchison stated that he was dissatisfied with the share equities in the Company and wanted it altered in his favour. Unless this was the case he would not return either the property he was holding on behalf of this company or any other company in the group. He stated that he was now dissatisfied with the deal with Amber Services Limited and was concerned that he had had his wife sign the contract without first reading or vetting it. He then stated that he was prior to receiving the Contract unaware as to the shareholding in this Company. Dr Ng pointed out that the shareholding in the Company had been agreed to prior to the Amber Services Contract being signed and the issue of the shares predated the Agreement. At the time Mr McHutchison had raised no objection and had been satisfied with the various equities. Dr Ng further stated that the arrangement with Amber Services Limited had been terminated due to its failure to meet its contractual obligations. Mr McHutchison stated that he had not terminated the Agreement and asked whether Amber Services was a shareholder in the Company. Mr Sharland advised that until the stamped transfers were lodged with the Company he could not deal with the matter. Mr Picton-Warlow stated that, depending on the wording of the Agreement, the Company may not be able to process the transfers. Mr McHutchison queried this with both Mr Sharland and Dr Ng. Mr Sharland advised that, as it was a legal question neither he nor Dr Ng was in a position to respond. Mr Picton-Warlow stated that he was speaking in general terms and would need to read the Agreement before he could express a firm opinion. His comment was made to make the Board aware that there may be additional matters to be considered before any transfers could be dealt with.
3. There was extensive discussion on this and related matters and Mr McHutchison advised that he wanted 51% of the Company and in return would renounce any equities or interests in the other companies and return all property he or his company was holding. He further advised that he had had negotiations with third parties in respect of the packaging and had received expressions of interest. Mr Sharland asked what his authority was to enter into the discussions and it became apparent that he was acting on his own behalf. Mr Picton-Warlow pointed out that he (Mr McHutchison) had no authorisation from the company to act, however if he were successful the company would consider any deal that he had negotiated. He then asked (as did Dr Ng) Mr McHutchison for details of the negotiations. Mr McHutchison refused to disclose any details.

4. Mr Sharland pointed out that his demand for 51% equity amounted to the shareholders buying a "pig in a poke", and signing away their interests for an undisclosed deal. Mr McHutchison advised that he did not trust any of the other Board members and that they had had their attempt to commercialise the packaging and that it was now his turn.
5. Mr Sharland pointed out that the breach of trust originated from his end when it appeared that he had sided with Senator Datuk Not Azah Awin and had several meetings with her, including allowing her access to a number of files which may or may not have contained information relative to non WRD matters. In addition he had travelled to Malaysia on a number of occasions to meet with her. He then asked Mr McHutchison to account for and report on those discussions. Mr McHutchison advised that the trips to Malaysia were in relation to her company "Denko" and did not relate to WRD matters. He declined to comment on the other discussions or elaborate in respect of the Denko discussions.
6. Dr Ng stated that part of the dispute related to Mr McHutchison's failure to lodge patents applications as required under the Amber Services Agreement notwithstanding his repeated assurances to Dr Ng that these applications had been lodged. It was only immediately prior to the meeting with Datuk in Perth that Mr McHutchison advised in his report (dated 11 October 2001 and appended hereto) that the applications had not been lodged although the draft documents were well advanced and could be completed within 30 days.
7. Mr McHutchison stated that he had not the time to prepare and lodge the applications and that the Agreement gave inadequate time to prepare and file the applications. He then advised that Mr Sims had advised him to tell Dr Ng that they had been prepared and lodged. Dr Ng stated that this did not make sense, why would Mr Sims act against his own and the Company's interests. Dr Ng stated that Mr Sims was not at the meeting to refute this accusation.
8. Mr Sharland pointed out that much of the problems in this dispute had arisen because he, (Mr McHutchison) had retained all data relative to this and the other companies and had refused to co-operate in any matters. In particular Mr Sharland referred to the patent applications he (Mr McHutchison) had directed Watermark to allow to lapse and his refusal to supply the patent applications to allow the re-lodging of the documents. Mr Sharland further stated that patents belonging to Symtech, APS and this Company could not be re-filed because of his retention of the documentation and the other applications that had not been completed could not be finalised.

9. Mr McHutchison denied instructing Watermark to lapse the patent applications and stated that they did so because of outstanding monies. Mr Picton-Warlow said that this would have amounted to a breach of their duty to the companies and produced a letter from Watermark wherein they stated that the patents had been lapsed on Mr McHutchison's written instructions. He then read out the particular paragraph and advised Mr McHutchison to read the letter. Mr McHutchison declined the offer.
10. Mr Sharland stated that Watermark had refused to discuss any matters with either Dr Ng Mr Sims or himself. In fact when they had attended the Watermark Office they had been forcibly thrown out. Mr McHutchison said he was aware of this and that it had been because the resolutions from the company forwarded to Watermark had not been signed by all the directors and that it had not been a unanimous decision by the directors of the Company. Mr Picton-Warlow stated that a decision by a majority of the Directors was sufficient and that Watermark exceeded their authority in not accepting the majority decision. Mr McHutchison further stated that he had spoken to Watermark and that Datuk and her solicitor Mr Ten had also had discussions with Watermark. Dr Ng asked whether he had organised the meeting between Datuk and Watermark and he denied it.
11. Mr Picton-Warlow stated that he had spoken to Mr Chin Quan (Watermark) and had been referred to their solicitors. It was only after he had forwarded a draft writ that they agreed to release the companies' files. Mr Sharland advised that the files, when released, were delivered to Wray & Assoc who described them as incomplete, unprofessional, and did not contain any of the patent applications as lodged. Draft applications were supplied from which Wray and Associates were able to grasp the basis of the inventions however they were inadequate to enable the filing of the patents that Watermark stated they had been instructed to lapse.
12. Mr McHutchison was again requested to release the property he was holding to enable the re-lodging of the applications. He refused to do so. Mr Sharland asked him why he refused to sign the power of attorney for the US patents as it was placing them in jeopardy and produced copies of the documents. Mr McHutchison refused advising that unless the Company agreed to his demands he would not sign any documentation.
13. The discussion then proceeded to property he (Mr McHutchison) held on behalf of ETA, in particular the Leased computer and other property he had listed in the inventory he had supplied to ETA for insurance purposes. Mr McHutchison stated that some of this equipment belonged to him and demanded Mr Sharland supply the basis for this claim. Mr Sharland advised that when he first visited Mr McHutchison's office there was very little equipment there in and that ETA had supplied money to him for the

acquisition of computer parts from which he had manufactured computers and acquired other items. Mr Picton-Warlow then asked him why he had listed all the items on the schedule of ETA's plant for insurance purpose if his company owned the items. Mr McHutchison did not respond. Mr Picton-Warlow then asked on what basis he was holding the leased computer and was advised that it was under a lien under quantum meruit. Mr Picton-Warlow advised that as this machine was leased by ETA and owned by the finance company (Hewlett Packard) he was not entitled to any such claim. Mr McHutchison stated that his advice was that he could and he would maintain his claim. Mr Picton-Warlow asked why he had not made an earlier assertion as to ownership of some of the equipment listed in the insurance schedule he had prepared. There was no response. Mr Sharland asked why should ETA insure his equipment?

14. Mr McHutchison then returned to his demand that all the Company's shareholders surrender portion of his shareholding to allow his Company a 51% interest in WRD. In return he would furnish details of his negotiations and would surrender any interests in other companies in the group and return all the property held.
15. Mr Sharland asked why he had taken so long to address these issues. He then accused the other directors of placing his wife under stress and nearly causing his second divorce. He accused the Directors of harassing him and his wife by driving past his residence and making nuisance telephone calls to him and hanging up without responding. This action had caused him to change his address and that the Company would be unable to locate him. Mr Sharland advised that correspondence had been addressed to his wife in her capacity as the sole director of C M McHutchison Pty Ltd and that the Board was unaware of any stress this action may have caused.
16. It was agreed that Mr McHutchison should put any proposal in writing to the Board and it would be considered. Mr Picton-Warlow stated that he was sure that any proposal would be considered by the Board and referred to the shareholders for a decision. Mr Sharland pointed out that the Board was also pursuing the commercialisation of the technology.

Closure

There being no further business the meeting was declared closed at 12.10 pm

.....
Chairman



ALL OFFICES
POSTAL ADDRESS
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East Perth
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Australia

E-mail: wray@wray.com.au
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BEng (Mech)
Linda Kenneough
(Hons), PhD.
Juhasz
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BSc, BEng (Hons)
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BSc (Hons), C Phys, M Inst P, CPA
Brendan Peachey
BSc (Hons), Ph.D. MRACI



ANNEXURE CFS-7

Wray & Associates

PATENT & TRADE MARKS ATTORNEYS ♦ Est 1920

Our ref 105418:EJH:PRW:rd (BENTLEY OFFICE)
Partner Mr Errol Harwood
Contact Mr Peter Woodgate
Your ref: Mark 1 Container - US

22 April 2002

The Manager
Western Research and Development Limited
Unit 4, 50 Achievement Way
Wangara WA 6065

Dear Sir

US Patent Application from PCT/AU01/00844
Western Research and Development Limited
Tamper Proof Slide Cover Container

Further to your instructions, we confirm that a national phase application has been lodged in the USA and we have now received informal notice from our associate's of the application serial number. This number is 10/088,181 and the date on which the national phase application was lodged was 14 March 2002. Please note that the official application date for this application is 13 July 2001, being the filing date of the PCT.

We attach a copy of our associate's letters confirming the lodgement for your records.

In addition, we enclose a combined Declaration and Power of Attorney, the assignment of US rights to a corporation for execution by Mr McHutchinson. Please arrange for the execution of these documents as a matter of urgency. If there is likely to be significant delay in obtaining the signature, please keep us informed.

PERTH OFFICE

239 Adelaide Terrace
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Australia
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Members of FICPI

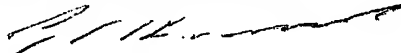
* Registered Trade Marks Attorney.

Member of the Institute of Patent & Trade Mark Attorneys of Australia.

Finally, we enclose a statement claiming small entity status to be executed by an officer of Western Research and Development Ltd. Please arrange execution of this document and return it to us as soon as possible.

Please contact us if you have any further questions.

Yours faithfully
WRAY & ASSOCIATES



Errol J Harwood

Enc: *Copy of associate's letter*
Combined Declaration & Power of Attorney
Small Entity Status Statement